IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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WEDNESDAY, THE TWENTYSEVENTHY DAY OF JULY

TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No.15919 OF 2005

Between:

K.Srinivasulu & Anr. … Petitioner

Versus

The District Collector

Prakasam district & Ors. … Respondents

O R D E R :

This writ petition is filed to declare the action of the second respondent pursuant to complaint of respondents 3 and 4 in directing the petitioners to vacate the lands respectively assigned in their favour covered by survey nos.168/1, 168/1 and 19/1A of Chinapavani village, Lingasamudram Mandal, without following due process of law as illegal, irregular and violative of principles of natural justice and contrary to the provisions of AP Board of Revenue Standing Orders and offends Article 14 and 21 of the Constitution of India and consequently direct the respondents not to

dispossess them from the said lands during subsistence of assignment pattas in their favour.

The petitioners are landless poor and their forefathers occupied Government Poramboke lands situate at Chinapavani village. They brought the land under cultivation and for the last three generations, they have been eking their livelihood on cultivation. In survey no.168/1, the first petitioner is in possession of Acs:2-50 and whereas in survey no.168/1A and 19/1A the second petitioner is in possession of Ac:0-42 and Ac:2-08. On the basis of the complaint made by the respondents 3 and 4 that the petitioners have made encroachment over the lands of the Agriculture Department, the second visited aforesaid lands and surveyed the same on 16-7-2005. In fact there is no land vested in respondents 3 and 4 and therefore, the question of encroachment over the land of the respondents 3 and 4 could not and would not arise.

Originally, considering the applications of the petitioners, the second respondent granted ‘D’ form pattas under F.Dis.No. 7/1413, dated 06-8-2003 and 6/1413 of the same date respectively in their favour and thereafter their names were mutated in revenue records and pattedar passbooks and title deeds were issued. The petitioners submit that they are the assignees of the land in question, therefore, the respondents cannot direct them to vacate the same.

Considering the facts and circumstances of the case, without going into merits or otherwise, I deem it appropriate to dispose of the writ petition at the admission stage, directing the respondents to follow prescribed procedure established under law before contemplating any action against the petitioners by issuing notice. Till such

time, the respondents are restrained from interfering with or dispossessing the petitioners from the land in question during subsistence of assignment of pattas in their favour.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

JULY 27, 2005. ----------

I S L. ELIPE DHARMA RAO , J.